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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,837	02/05/2004	Jay S. Walker	03-008	6015
22927	7590	09/13/2007		
WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905			EXAMINER OMOTOSHO, EMMANUEL	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,837	Applicant(s) WALKER ET AL.	
	Examiner Emmanuel Omotosho	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/05/04, 05/17/04, 12/05/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. ("Walker") US Patent No. 6,203,430 B1.

3. Claim 1: Walker teaches a method for directing the operation of a slot machine, the (claim 1) method comprising the steps of identifying a plurality of tracked symbols (par 4 lines 45-47). Initializing a plurality of running counts, each running count corresponding to a tracked symbol (par 3 lines 36-38). Generating an outcome represented by a plurality of symbols (par 3 lines 42-43). Determining an occurrence of at least one of the tracked symbols (par 3 lines 43-45). Selecting a running count, which corresponds to the occurrence of at least one of the tracked symbols (inherent par 3 lines 45-46). Adjusting the selected running count (par 3 lines 45-46). Determining a bonus payout based on the selected running count (par 3 lines 42-51).

4. Claim 2: the step of adjusting includes one of adding a predetermined integer value to the selected running count and subtracting a predetermined integer value from the selected running count (claim 2).

5. Claim 3: identifying an expiration condition representing a number of plays after which an occurrence of at least one of the tracked symbols expires and determining an

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expiration of an occurrence of at least one of the tracked symbols based on the expiration condition (claim 3).

6. Claim 4: identifying an expiration condition representing a time after which an occurrence of at least one of the tracked symbols expires and determining an expiration of an occurrence of at least one of the tracked symbols based on the expiration condition (claim 4).

7. Claim 5: determining a payout based on the outcome. Determining whether the payout equals zero and in which the step of determining an occurrence is performed only if the payout equals zero (claim 5).

8. Claim 6: storing the running counts on a player tracking card and in which each running count includes status data representing an expiration condition of each occurrence of a tracked symbol (claim 6).

9. Claim 7: storing the running counts on a slot server and in which each running count includes status data representing an expiration condition of each occurrence of a tracked symbol (claim 7).

10. Claim 8: determining a bonus payout further comprises determining the bonus payout based on a number of plays of the slot machine (claim 8).

11. Claim 9: determining a bonus payout further comprises determining the bonus payout based on a duration of time (claim 9).

12. Claim 10: each running count represents occurrences of a tracked symbol generated by a second slot machine (claim 10).

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13. Claim 11: receiving a wager and in which the step of determining a bonus payout further comprises determining the bonus payout based on a wager amount (claim 11).
14. Claim 12: the tracked symbol includes at least one bonus symbol which contributes to the corresponding running count; at least one offsetting symbol; and in which adjusting the selected running count further comprise: subtracting occurrences of the at least one offsetting symbol (claim 12).
15. Claim 13: determining a payout and determining a bonus payout comprises determining a multiplier to be applied to the payout (claim 13).
16. Claim 14: determining a bonus payout includes determining points for a slot play reward system (claim 14).
17. Claim 15: determining a payout for expired occurrences of a tracked symbol (claim 15).
18. Claim 16: slot machine comprises a reel slot machine, and the symbols comprise reel symbols (claim 16).
19. Claim 17: the reel slot machine includes a symbol display window and a payout line that is visible within the symbol display window; and in which determining an occurrence comprises selecting at least one tracked symbol from amongst all symbols displayed in the symbol display window (claim 17).
20. Claim 18: determining an occurrence includes selecting the at least one tracked symbol from amongst symbols on one specified reel of the reel slot machine (claim 18).

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21. Claim 19: a method for directing the operation of a slot machine, the method comprising the steps of identifying a plurality of tracked symbols; associating a predetermined expiration condition with each occurrence of each tracked symbol after which each occurrence is expired; generating a plurality of running counts, each running count corresponding to a tracked symbol and identifying a bonus payout based on at least one running count (claim 21).

22. Claim 20: a method comprising identifying a plurality of tracked symbols, each having associated therewith an expiration condition after which the tracked symbol is expired; generating a running count for each tracked symbol, including adding to the running count for a new occurrences of the tracked symbol and subtracting from the running count for expired occurrences of the tracked symbol, thereby determining an ongoing count of active occurrences of each tracked symbol; identifying a bonus value; and generating a bonus payout when at least one of the running counts exceeds the bonus value (claim 22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO



ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER